

William (Bill) D. Peterson II, with
 300-Year SNF Disposal &
 3-Year Fuel & Deficit Recovery Plan,
 Deficit Recovery Institute (DRI)

68 W Malvern Ave,

South Salt Lake City, Utah 84115,

Tel 801-487-0786, cel 801-529-0693

was 413 Vine Street,

was Clearfield, Utah 84015

Email paengineers@juno.com

UNITED STATES COURT OF APPEALS
 FOR THE DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW, Room 5523

Washington, DC 20001-2866

Phone: 202-216-7290 Facsimile: 202-219-8530

William (Bill) D. Peterson, Engineer
 for 300-Year SNF Disposal Solution &
 3-year Fuel and Economy Recovery Plan,
Petitioner

vs.

United States of America
 Nuclear Regulatory Commission, et al.*
Federal Respondents

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MOTION

to fix & end

FRUSTRATION

Case No. 10-1007

Rogers, Garland & Brown
 Circuit Judges

* Fuel Independence and Spent Nuclear Fuel plan – Respondent parties are: NRC - **Dr. Gregory B. Jaczko**, Commission Chairman, Nuclear Regulatory Commission, Atomic Safety and Licensing Board; DOE - **Dr. Steven Chu**, Secretary of Energy, Director DOE, Department of Energy; EPA - **Lisa P. Jackson**, Director, Environmental Protection Agency; NAS - **Dr. Ralph J. Cicerone**, President, National Academies of Science, and NEI - **Marvin S. Fertel**, Chief Executive Officer, Nuclear Energy Institute.

* Deficit and Economic recovery plan, including Fuel Independence – Respondent parties are: DOC - **Gary Locke**, Secretary, Department of Commerce; DOL - **Hilda Solis**, Secretary, Department of Labor; DOT - **Timothy F. Geithner**, Secretary, Department of the Treasury; FTC – **Jon Leibowitz**, Chairman, Federal Trade Commission; and the TPCC - **Joe Hurd**, Senior Director Trade Promotion Coordinating Committee.

* Other Federal Administrative parties of interest are: Former Nuclear Waste Negotiator, Idaho

MOTION FOR PROGRESS

1) To get fuel independent, 2) making electricity with nuclear power and separating hydrogen out of water may our nation's best option. 3) On going nuclear power requires a solution for disposal of spent nuclear fuel (SNF), 4) and Peterson's 300-year SNF disposal solution is a way of doing it, 5) and there may be not another.

6) Why aren't we doing this? 7) What are we waiting for? 8) It's frustrating. 9) The U.S. now spends a half a trillion dollars a year to import oil. 10) That is two billion dollars per day. 11) That is deficit spending of money that we don't have. 12) Why aren't we building our nuclear industry and becoming energy independent?

13) In Title 42 the Congress established a plan. 14) The nuclear utilities have put up the money. 15) This Courts July 9th, 2005, 16) order in Case No. 01-1258 established that EPA with NAS have the responsibility to determine how SNF is disposed of. 17) DOE and NRC would get it done.

18) So why are we waiting to proceed with 300-year SNF disposal and 3-year fuel independence as Peterson has proposed? 19) Our nation is going bankrupt, 20) the Congress legislated a plan, 21) and the money is collected to further nuclear power. 22) Where is the ball being dropped? 23) Why is the DOE not funding Peterson's

300-year SNF disposal solution, ²⁴⁾Pigeon Spur, ²⁵⁾and Peterson 3-year plan for energy independence. ²⁶⁾For 20 years we have been going the wrong way with Yucca Mountain. ²⁷⁾Who is responsible for that blunder? ²⁸⁾That error has cost the U.S. most of it's \$13 trillion dollar deficit.

²⁹⁾It's politics and frustration that has gotten us to where we now are. ³⁰⁾Can the Court order that nuclear power make move forth? ³¹⁾In his 13th unsolicited proposal to the U.S. D.O.E. ³²⁾Peterson asks for \$30 million to initiate his 3-year fuel independence plan, ³³⁾and his 300-year SNF disposal solution at Pigeon Spur, ³⁴⁾for which project license applications have already been twice submitted. ³⁵⁾So there is a timesaving of potentially as much as ten years with what he is proposing, ³⁶⁾although there are good reasons to believe that the 3-year time frames are unrealistically short. ³⁷⁾The main thing is to be headed in the right direction as soon as we can.

³⁸⁾This would help jump start the construction of 50 new nuclear power plants for starting our nation's use of hydrogen for fuel, ³⁹⁾as proposed by Peterson's 3-year plan for fuel independence. ⁴⁰⁾So Peterson moves for a Court's order for this, ⁴¹⁾wherein the court would reaffirm its July 9th 2005, ⁴²⁾order that has been ignored.

43) Accompanying memorandum, 44) with a copy of Peterson's unsolicited proposal, 45) a copy of Title 42 legislation, 46) and a copy of an uncommon wisdom news article titled: 47) *NEWS FLASH:*
48) *Treasury says Fed deficit is EXPLODING!* 49) accompany and support this motion, 50) which bankruptcy of the economy Peterson forecast 20 years ago would happen as it is doing now.

51) Dated this 18th day of January, 2011.

William (Bill) D. Peterson,
M.S., P.E., pro se Appellant

William (Bill) D. Peterson II, with
 300-Year SNF Disposal &
 3-Year Fuel & Deficit Recovery Plan,
 Deficit Recovery Institute (DRI)

68 W Malvern Ave,

South Salt Lake City, Utah 84115,

Tel 801-487-0786, cel 801-529-0693

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MEMORANDUM

To fix & end

FRUSTRATION

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 Circuit Judges

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Memorandum for FIX FRUSTRATION of spent nuclear fuel (SNF)

⁵²Spent Nuclear Fuel has frustrated the Congress. In turn, ⁵³the Congress has frustrated DOE, NRC, and EPA. For example, ⁵⁴In Title 42 > Chapter 108 > Subchapter III > § 10221 (9) (A) the word repository is used in conjunction with the words disposal and reprocessing. ⁵⁵In government directives it has been written that storage is disposal. ⁵⁶Maybe for political purposes this works, ⁵⁷but from a scientific standpoint this does not fly.

⁵⁸Spent nuclear fuel (SNF) contains less than 1% transuranics. ⁵⁹It's 96% U238 uranium that can eventually be used for fuel, ⁶⁰and that uranium must not be wasted. ⁶¹Only 3% at most of the initial nuclear fuel put into a nuclear reactor is used. ⁶²During use the nuclear fuel gets cluttered with neutron absorbers, ⁶³then the mixture has to be removed as spent.

⁶⁴Repository storage is deep geological placement intentionally designed and ⁶⁵intended to never again be accessed. ⁶⁶A century of the declining heat of the hot fission wastes, and ⁶⁷then the very long time out of increasing radioactivity due to the inherent transition of plutonium to other elements out to americium are ⁶⁸two basic reason YM repository storage is ⁶⁹not physically accessible in both the near term, ⁷⁰and out in far future. ⁷¹SNF is 97% potentially reusable for fuel. ⁷²So both physically and practically geological burial is not a viable solution for SNF.

⁷³To dispose of it, ⁷⁴SNF has to be separated into three parts ⁷⁵and then each of the three parts must be disposed of in a different way.

A) ⁷⁶⁾The 3% of the SNF that is fission wastes has to be separated and highly clean, 5-9s or 99.999% free of the transuranics. ⁷⁷⁾The 3% that is the fission waste is a mixture of shorter half-life material, ⁷⁸⁾30,000 years and less, ⁷⁹⁾which naturally decays 1,000+ fold in 300 years. ⁸⁰⁾Then in 300 years the fission waste will qualify as low level waste Class-C, ⁸¹⁾and in another 500 years it qualifies as low-level Class-A. ⁸²⁾Hence we call this procedure the 300-year disposal process for SNF disposal.

B) ⁸³⁾The 96% of SNF that is U238 can simply be stock piled like rods of iron.

C) ⁸⁴⁾The roughly one percent of SNF that is transuranics are long half life materials that will have to be consumed as fuel in a reactor, ⁸⁵⁾so not to be a problem way out in time.

⁸⁶⁾In this way, ⁸⁷⁾no nuclear material is wasted, ⁸⁸⁾all of the potential fuel can eventually be used for fuel. ⁸⁹⁾To do this 3-way process requires that the SNF be stored readily accessible, ⁹⁰⁾so at some point in 300 years it can be processed.

⁹¹⁾During this time, ⁹²⁾it has to be stored in such a way that it is continuously being cooled, ⁹³⁾and convection air-cooling works well.

⁹⁴⁾Peterson's way of storage is a matrix of near surface vertical silos, ⁹⁵⁾overlaid by matrix of parallel railroad tracks, ⁹⁶⁾to access the silos. ⁹⁷⁾From the ground surface, ⁹⁸⁾the canisters of SNF are 12 feet down, ⁹⁹⁾under massive concrete lids, ¹⁰⁰⁾and under momentum impactors that provide protection from explosives and aircraft impact. ¹⁰¹⁾This combination of lids, ¹⁰²⁾plugs, ¹⁰³⁾and canisters can only be

removed with a very large field gantry crane, 104) which move about the matrix of railroad tracks as computer programmed. 105) It's a state of the art secure way of doing the intermediate storage, 106) but it would still allow any of the SNF to be readiably accessible for processing at any time. 107) The stored SNF would be very protected from intrusion, 108) tampering, 109) removal, and 110) an invasion of any sort.

111) Then an intruder would be without electric power, 112) without computer programming and 113) without software to operate the system. 114) The surface of the field is deep gravel, in which, 115) any sort of vehicle large enough to lift the 100 thousand pound caps, 116) plugs, 117) and module SNF canisters would bog down. 118) Stored not so deep underground the SNF would still be safe from small missile and 119) aircraft impact or 120) attack.

121) The World is running out of oil. 122) A new fuel will have to be manufactured. 123) The U.S. will need the power of 500 nuclear power plants to make electricity and 124) with that energy separate hydrogen out of water for a fuel that has mobility like gasoline. Now, 125) as the World is transitioning to a new fuel, 126) gasoline will get to be in short supply and 127) very expensive, 128) so we must make the transition quickly.

129) The American economy has dominated the World, so 130) U.S. dollars have been the world's common currency. 131) American production has fallen way short of its consumption, so 132) the American economy is now postured for bankruptcy, 133) which ruins the dollar for currency, 134) which will ruin the world

economic system. ¹³⁵ The only way the situation can be fixed and ¹³⁶ turned around is for ¹³⁷ the U.S. to up its production on a worldwide scale. ¹³⁸ The U.S. must certainly import less than uses, and ¹³⁹ make more of its goods for itself. But ¹⁴⁰ world production cannot be cut back just for the sake of reviving the American economy. ¹⁴¹ What America can do for the World that needs to be done is develop a new fuel, ¹⁴² hydrogen, ¹⁴³ doing this by developing a source of power on a world scale, ¹⁴⁴ nuclear-electricity-hydrogen.

¹⁴⁵ The frustration in the U.S. Government about what to do with spent nuclear fuel and ¹⁴⁶ who is to do it needs to be rectified. ¹⁴⁷ On July 9th, 2005 in Case No. 01-1258, ¹⁴⁸ this Court ordered that how SNF is disposed of is the responsibility of EPA, ¹⁴⁹ in consideration of recommendations of the National Academies of the Sciences (NAS). ¹⁵⁰ This responsibility is not now being recognized by anyone, ¹⁵¹ particularly by EPA.

¹⁵² Some ideas have been expressed of removing SNF by rocketing it to the Moon or ¹⁵³ tunneling it to the center of the Earth. ¹⁵⁴ Both Ideas view SNF as a big problem to run from and avoid. ¹⁵⁵ But scientifically, ¹⁵⁶ SNF is an opportunity. ¹⁵⁷ It is peculiar new man-made stuff with tremendous energy potential. ¹⁵⁸ The one place, ¹⁵⁹ maybe the only place that the attitude against SNF might be fixed is ¹⁶⁰ this Court. ¹⁶¹ The 300-year disposal solution for SNF ¹⁶² is scientifically sound and ¹⁶³ possible. ¹⁶⁴ Peterson moves that the Court get behind this and ¹⁶⁵ move with all haste to set straight the U.S. governmental structure that ¹⁶⁶ should be

dealing with SNF in accordance with Title 42. ¹⁶⁷Although a three year time has been stressed herein, ¹⁶⁸there are good reasons to believe a 3–year time frame is unrealistically short. ¹⁶⁹The main thing is to be headed into the right direction as soon as we can.

¹⁷⁰Our world is in a situation of floundering energy and ¹⁷¹running out of fuel, ¹⁷²while production of goods in exchange for the American dollar ¹⁷³has become hot competition. ¹⁷⁴It's crazy like a fox. ¹⁷⁵The farmers of the World can produce enough food to feed all of us. ¹⁷⁶The world's production workers can produce as much as everyone needs. ¹⁷⁷We should be able to make a world economy work, ¹⁷⁸and know what we are doing. ¹⁷⁹Peterson has put forth some rules which his studies show must be adhered to. ¹⁸⁰The defendant U.S. government departments named in this matter are the right U.S. governmental agencies to deal with the conditions. ¹⁸¹Why can't some fixing rulings be made by this Court?

¹⁸²America is busy building roads and bridges, ¹⁸³good American enterprises. ¹⁸⁴Are we going to have fuel to use them? ¹⁸⁵The Global Energy Partnership was a good idea, ¹⁸⁶but the U.S. is not prepared to do it. ¹⁸⁷It is right that the U.S. takes this responsibility of nuclear energy, ¹⁸⁸since nuclear power was initially a U.S. development. ¹⁸⁹Peterson moves that this court require this.

¹⁹⁰Peterson moves that the Court solve the frustration. ¹⁹¹Peterson moves that the Court rule the forgoing. ¹⁹²Can this Court assert this?

¹⁹³In 1982, in Title 42 > Chapter 108 > Subchapter III > § 10221 (9) (A) the Congress established the Nuclear Waste Fund to pay for disposal of SNF. ¹⁹⁴Since then the DOE, ¹⁹⁵NRC, and ¹⁹⁶EPA have devoted efforts only to geological storage of SNF. ¹⁹⁷For a quarter century Peterson has worked to do disposal of high-level nuclear waste. ¹⁹⁸For a decade Peterson has been proposing the 300-year SNF disposal solution. ¹⁹⁹For a decade Peterson has been saying YM is not a viable solution for SNF.

²⁰⁰Meanwhile, ²⁰¹the U.S. has kept importing oil at a deficit cost of around a half trillion dollars per year. ²⁰²In addition, ²⁰³pitifully, ²⁰⁴the U.S. government has paying \$20 billion a year in subsidies to incurrage it. * ²⁰⁵That's \$40 million per day to incurrage importation of oil. ²⁰⁶Ref: **“Get the Energy Sector off the Dole”* By Jeffrey Leonard, January 2011

²⁰⁷In the decade of time wasted, during which the U.S. should have balanced trade, ²⁰⁸when the U.S. should have been manufacturing nuclear-electricity-hydrogen for itself, ²⁰⁹when the U.S. has been importing goods excessively, largely from China, ²¹⁰the U.S. deficit has risen by around ten trillion dollars.

²¹¹Peterson herewith makes notice of his 13th unsolicited proposal to the U.S. DOE through its contact John Augustine. ²¹²In the past all of Peterson's proposals were rejected for the DOE commitment to YM. ²¹³With the YM effort now turned off, ²¹⁴DOE, ²¹⁵NRC, and ²¹⁶EPA have nothing on the table for SNF

disposal, and 217) have no plan to develop the nuclear industry as does Peterson with his 3-year fuel independence plan and his 300-year SNF disposal solution.

218) Peterson moves that we proceed with what Peterson has started.

219) In the Nuclear Waste Policy Act of 1982, the Congress set up the nuclear waste fund, 220) paid for by the nuclear power utilities and wrote into the legislation a good many things this fund could be used for. 221) So money is available to do the work. With that, 222) Peterson proposes to fix the SNF disposal issue. 223) He also proposes that the money be used to seed growth of the nuclear power industry itself, 224) to do details to make the industry move to gain energy and economy independence. 225) A lot of good jobs will be created as America is put to work. 226) Realize that the way the economy works, 227) for every new producer working, 228) seven more jobs will be made in the service sector of the U.S. 229) With an aggressive development of nuclear power, 230) we can really make the U.S. buzz.

231) It's been frustrating to watch nuclear power being stalled, 232) trying to do something about it, 233) and yet being able to do nothing because of the frustration of DOE, 234) NRC, 235) EPA, and the 236) Congress. 237) YM is now abandoned. 238) So it would be the right thing now to go to work with the 300-year SNF storage and disposal solution, to encourage 239) 50 new nuclear power plants. 240) In three years the U.S. can switch its oil consumption to 40% natural gas, 241) 10% hydrogen, and 242) 50% domestic oil and become energy independent. 243) Then in 10 years, 244) the U.S. can have built 500 new nuclear power plants, and 245) can produce hydrogen

enough to require no oil for vehicular transportation power. ²⁴⁶⁾ Although a 3-year time frame has been stressed here, ²⁴⁷⁾ there are good reasons to believe a 3-time frame is unrealistically short. ²⁴⁸⁾ The main thing is to be headed in the right direction as soon as we can. ²⁴⁹⁾ Then the U.S. can be manufacturing as much goods as America consumes, ²⁵⁰⁾ and still trading fairly and evenly with the rest of the world. ²⁵¹⁾ This would stabilize the world still using the American dollar for common currency. ²⁵²⁾ So we go beyond frustration to good sense.

²⁵³⁾ Title 42 shows, ²⁵⁴⁾ the Congress intended substantial advancement and progress in the nuclear power industry. ²⁵⁵⁾ But DOE, ²⁵⁶⁾ NRC, and ²⁵⁷⁾ EPA have not advanced the nuclear power industry as the Congress intended. ²⁵⁸⁾ They have been frustrated by letting State governments run them around. ²⁵⁹⁾ Trying to do nuclear projects on Indian Reservations is like trying to go to another country to do the work, ²⁶⁰⁾ this is wrong.

²⁶¹⁾ Peterson's DRI rules show that an economy is built by increasing the flow of money in that economy. ²⁶²⁾ DRI rules show that imbalance of trade is an economy's deficit and ruins and bankrupts the economy. ²⁶³⁾ Yes, ²⁶⁴⁾ debt is OK in a confined economy, ²⁶⁵⁾ but destructive and bankrupting in an economy that has out of balance of trade and so would have uncontrollable and unfixable debt. ²⁶⁶⁾ DOE, NRC, and EPA's not developing a U.S. fuel alternative for imported oil, ²⁶⁷⁾ and their failure to put the Title 42 money to work is a double whammy on the U.S. economy,

268)and is the single biggest cause of the economic problems that the U.S. is in today.

269)In the economy of the U.S. in it's \$13 trillion deficit, 270)imported oil is a huge chunk of that, 271)and no effort has been made to fix it. 272)Peterson has made more than a dozen good and timely proposals for very necessary work to fix the energy, 273)trade, and 274)cash flow of our nation's situation, 275)and DOE has just rejected all of Peterson's proposals, 276)for the wrong reason, 277)that YM is the solution required by Congress to do SNF disposal. 278)Peterson has requested reconsideration. 279)DOE has not replied. 280)This is totally frustrating.

281-)Dated this 19th day of January, 2011.

William (Bill) D. Peterson II

* 205)
 “Energy subsidies are the sordid legacy of more than sixty years of politics as usual in Washington, and they cost us somewhere around \$20 billion a year. Government statistics show that about 70 percent of all federal energy subsidies goes toward oil, natural gas, and coal. Even worse, of course, the tax break creates an incentive for oil companies to import petroleum, only increasing and perpetuating our dependence on foreign oil, when the U.S. domestic supply makes up only 2 percent of the world's proven petroleum reserves,” of which the U.S. is consuming 25%, far more than its share.

Phone: 202-216-7290 Facsimile: 202-219-8530

William (Bill) D. Peterson, Engineer	!	
for 300-Year SNF Disposal Solution &	!	Certificate of Service
3-year Fuel and Economy Recovery Plan,	!	Appeal of Patent Office Activity
<i>Petitioner</i>	!	S/N No. 11/899,209, Filed
09/04/07		
vs.	!	ref parent 10/736-858
	!	
	!	Case No. <u>10-1007</u>
United States of America	!	
Nuclear Regulatory Commission, et al.*	!	Rogers, Garland & Brown
<i>Federal Respondents</i>	!	Circuit Judges

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CERTIFICATE OF SERVICE

This is to certify that Tuesday, December 7th, 2010 a true and correct copy of the foregoing was E-mailed, to those persons listed below: Also filed electronically with the Court. An original and 4 paper copies are sent to the Court. One copy is sent to the Patent Office at P.O. Box 1450, Alexandria, Virginia 22313. An Email and follow up phone call attempt is made to each office below.

U.S Patent office examiner: Palabrica, Ricardo J., Tel 571-272-6880,
Group FAX 571-273-8300,
Supervisor, Jack Keith 571-272-6878

Patent Office: § 104.2 Address for mail and service; telephone number.

(a) Mail under this part should be addressed to the Office of the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

(b) Service by hand should be made during business hours to the Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia.

(c) The Office of the General Counsel may be reached by telephone at 571-272-7000 during business hours.

Sean Croston, Esq.

NRC

Office of the General Counsel
Nuclear Regulatory Commission
P.O. Box 23795
L'Enfant Plaza Station
Washington, D.C. 20026

sean.croston@nrc.gov

301-415-1354

Scott Blake Harris, Esq.,

DOE

Office of General Counsel
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

The.Secretary@hq.doe.gov

1-202-586-5000 FAX 202-586-4403

Scott Fulton, Esq.

EPA

Office of General Counsel
Environmental Protection Agency
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2310A)
Washington, DC 20460

scott.fulton@epa.gov

Main phone No: (202) 564-8040 fax: (202) 564-1778

James F. Hinchman, Esq.**NAS**

Office of the General Counsel
 National Academies of Sciences
 500 5th St N.W.
 Washington, D.C. 2001
webmailbox@nas.edu

202.334.2440

Mike Bauser, Esq.,**NEI**

General Counsel
 Nuclear Energy Institute
 1776 I Street NW, Suite 400
 Washington, DC 20006-3708
mab@nei.org

202-739-8144

Ellen C. Ginsberg**NEI**

Vice President, General Counsel and Secretary
 Nuclear Energy Institute
 1776 I Street NW, Suite 400
 Washington, DC 20006-3708
ecg@nei.org P: 202.739.8000 F: 202.785.4019

Cameron F. Kerry, Esq.**DOC**

General Counsel
 Department of Commerce
 Herbert C. Hoover Building
 14th & Constitution Avenue, NW
 Mail Stop 5875 HCHB
 Washington, DC. 20230

GeneralCounsel@doc.gov

Voice 202/482-4772 FAX 202/482-0042

Craig Hukill, Esq.**DOL**

Office of the General Counsel
 U.S. Department of Labor
 200 Constitution Ave., NW
 Washington, DC 20210

hukill.craig@dol.gov

202-692-5260 NIS 1-866-487-2365

Robert S. Rivkin, Esq.,**U.S. DOT**

Office of the General Counsel
 U.S. Department of the Treasury
 1200 New Jersey Avenue, SE,
 Washington, DC 20590

. robert.rivkin@do.treas.gov Phone (202) 366-4702, fax (202) 366-3388**Willard K. Tom, Esq.****FTC**

General Counsel
 Federal Trade Commission
 600 Pennsylvania Avenue, NW
 Washington, DC 20580

wtom@ftc.gov 202-326-2424 (202) 326-2222**John Cobau, Esq.,****TPCC**

General Counsel
 Trade Promotion Coordinating Committee

U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

john.cobau@trade.gov OCCIC@doc.gov 202-482 2319

Richard Stallings

Negotiator

Congressman from Idaho
& Nuclear Waste Negotiator
for President Clinton
Island Park, Idaho

rstallings@allidaho.com 208 241 6049

Bob Bauer, Esq.,

President

White House Counsel
for President Barack Obama
607 Fourteenth Street N.W.,
Washington, D.C. 20005-2003

whitehousecounsel@who.eop.gov Tel: 202-434-1602

Donald Verrilli, Jr., Esq.,

President

Associate White House Counsel
for President Barack Obama
607 Fourteenth Street N.W.,
Washington, D.C. 20005-2003

WDP file: c:/old*/p/nuc/congress/title42/frustration of spent nuclear fuel.doc

Special Edition | Wednesday, January 12, 2011

NEWS FLASH: Treasury says Fed deficit is EXPLODING!

by Guest Editor [Martin D. Weiss, Ph.D.](#)

Dear Olie,



At 2:00 PM Eastern Time today, the U.S. Treasury announced that our government added another \$80 billion to the cumulative budget deficit in December.

And believe it or not, that's the *GOOD* news: Washington is bracing for even higher deficits down the road because of the tax relief package the White House and Congress passed in December.

Before that tax package passed, the Obama administration forecast that the deficit for this year would hit \$1.42 trillion. Thanks to this newest round of tax cuts, that estimate may now prove to be wildly optimistic.

But even in the unlikely event that the White House's earlier estimates hold, 2011 is certain to be the third consecutive year of \$1 trillion-plus deficits for Washington. More than \$4.1 trillion in deficits will have been run up in just 36 months!

The Conundrum of the Federal Debt Ceiling

Here's the kicker: The national debt now stands at nearly \$13.9 trillion. That's only \$400 billion below the \$14.3 trillion federal debt ceiling set by Congress.

In fact, in a letter to congressional leaders, Treasury Secretary Timothy Geithner recently warned that U.S. borrowing could push the amount of debt past the legal borrowing limit sometime between March 31 and May 16.

That means Congress now faces a vote — and possibly a big BATTLE — on raising the debt ceiling, posing a huge challenge for the fiscal conservatives who have swept into Congress promising to cut federal deficits. Here's the conundrum

- If they vote so soon to RAISE the debt ceiling, it could be the kiss of death to scores of new political careers.

But if they vote NOT to raise the federal debt ceiling, it would cause a fatal paralysis in Washington.

Meanwhile, Washington is approaching a *second* fork in the road: The likelihood that up to 100 major states and local governments could go broke this year. So our leaders will also have to decide

- Either to let the cities and states fail ...
- Or bail them out with taxpayer money.

Once again ...

Washington Is Damned If It Does and Damned If It Doesn't!

If lawmakers rush to the aid of even one state, county or city, it will face a barrage of demands to bail out hundreds more — a move that could add trillions more dollars to the 2011 federal deficit.

But if Congress chooses to allow these state and local governments to default, the results could be equally catastrophic: A collapse of the muni bond market, soaring interest rates, plunging stock prices and a return to the darkest days of this recession.

For the past couple of days, I've been hosting a lively discussion on this great debt crisis on [my personal blog](#), and so far, thousands of our readers have given us their thoughts on what this crisis means for their investments.

In just a few days, we do, I want to give YOU the opportunity to share your ideas with us. My team and I will give you our analysis, forecasts and recommendations for protecting and even growing your wealth as this debt crisis inevitably implodes. But before we do, I want to give YOU the opportunity to share your ideas with us.

Just [click this link](#) to jump over to my personal blog and join the discussion!

Good luck and God bless!

Martin

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